

Corrected
~~Supplemental~~
Notice of Allowability

Application No.

09/064,057

Examiner

Nashaat T. Nashed, Ph. D.

Applicant(s)

GERARD ET AL.

Art Unit

1656

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 26,33,117,122-125,137-146 and 149-161.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☒ to Paper No./Mail Date 4/28/99.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Nashaat T. Nashed, Ph. D.
Primary Examiner
Art Unit: 1656

Art Unit: 1656

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Claims 26, 33, 117, 122-125, 137-147, and 149-161 are pending.

Authorization for this examiner's amendment was given in a telephone interview with Eric Ledford on August 9, 2005 and August 10, 2005.

The application has been amended as follows:

(I) Amend claims 26 and 137-147 as shown bellow:

- Claim 26 A method of producing an Avian Myeloblastosis Virus (AMV) reverse transcriptase having an RNA dependent DNA polymerase specific activity of ~~at least about~~ 30,000 units per milligram to 150,000 units per milligram, said method comprising
- (a) obtaining a eukaryotic host cell comprising one or more nucleic acid sequences encoding an AMV reverse transcriptase α subunit and one or more nucleic acid sequences encoding an AMV reverse transcriptase β subunit; and
 - (b) culturing said host cell under conditions sufficient to produce said AMV reverse transcriptase; and
 - (c) isolating or purifying said reverse transcriptase thereby obtaining an AMV reverse transcriptase having an RNA-dependent DNA polymerase specific activity of ~~at least about~~ 30,000 units per milligram to 150,000 units per milligram.
- Claim 137 The method of claim 26, wherein said AMV reverse transcriptase has an RNA-dependent DNA polymerase specific activity from ~~about~~ 80,000 units per milligram to ~~about~~ 150,000 units per milligram.
- Claim 138 The method of claim 26, wherein said AMV reverse transcriptase has an RNA-dependent DNA polymerase specific activity of ~~at least about~~ 35,000 units per milligram to 150,000 units per milligram.
- Claim 139 The method of claim 26, wherein said AMV reverse transcriptase has an RNA-dependent DNA polymerase specific activity of ~~at least about~~ 40,000 units per milligram to 150,000 units per milligram.

Art Unit: 1656

- Claim 140 The method of claim 26, wherein said AMV reverse transcriptase has an RNA-dependent DNA polymerase specific activity of at ~~least about~~ 45,000 units per milligram to 150,000 units per milligram.
- Claim 141 The method of claim 26, wherein said AMV reverse transcriptase has an RNA-dependent DNA polymerase specific activity of at ~~least about~~ 50,000 units per milligram to 150,000 units per milligram.
- Claim 142 The method of claim 26, wherein said AMV reverse transcriptase has an RNA-dependent DNA polymerase specific activity of at ~~least about~~ 55,000 units per milligram to 150,000 units per milligram.
- Claim 143 The method of claim 26, wherein said AMV reverse transcriptase has an RNA-dependent DNA polymerase specific activity of at ~~least about~~ 60,000 units per milligram to 150,000 units per milligram.
- Claim 144 The method of claim 26, wherein said AMV reverse transcriptase has an RNA-dependent DNA polymerase specific activity of at ~~least about~~ 65,000 units per milligram to 150,000 units per milligram.
- Claim 145 The method of claim 26, wherein said AMV reverse transcriptase has an RNA-dependent DNA polymerase specific activity of at ~~least about~~ 70,000 units per milligram to 150,000 units per milligram.
- Claim 146 The method of claim 26, wherein said AMV reverse transcriptase has an RNA-dependent DNA polymerase specific activity of at ~~least about~~ 75,000 units per milligram to 150,000 units per milligram.

(II) Delete claim 147.

Claims 26, 33, 117, 122-125, 137-146, and 149-161 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nashaat T. Nashed, Ph. D. whose telephone number is 571-272-0934. The examiner can normally be reached on MTTF.

Art Unit: 1656

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathleen M. Kerr can be reached on 571-272-0931. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Nashaat T. Nashed, Ph. D.
Primary Examiner
Art Unit 1656